

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

FREDERICKA LYLES, # R85115,

Petitioner,

vs.

Case No. 13-cv-00684-DRH

SHERYL THOMPSON,

Respondent.

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Petitioner Fredericka Lyles, currently incarcerated at Logan Correctional Center, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 to challenge the constitutionality of her 2008 conviction and sentence in the Circuit Court of St. Clair County, Illinois for committing a drug-induced homicide.

This petition was filed July 15, 2013. The Court now concludes that the petition is actually the amended petition the Court was awaiting in *Lyles v. St. Clair County*, No. 13-cv-00493-DRH (ILSD May 28, 2013). By Order dated June 18, 2013, the petition in No. 13-cv-00493-DRH was dismissed without prejudice, and Lyles was given until July 18, 2013, to file an amended petition. She was also granted leave to proceed as a pauper in that first case.

If the Court were to close the first case, No. 13-cv-00493-DRH, petitioner would incur a second filing fee, and the her procedural history would be unnecessarily muddled in terms of the prohibition against successive petitions

(see 28 U.S.C. 2244(b)(1)). Therefore, the instant case, No. 13-cv-00684-DRH, shall be administratively closed and the petition (Doc. 1) shall be filed as an amended petition in No. 13-cv-00493-DRH. The amended petition will then undergo preliminary review pursuant to Rule 4 of the Rules Governing Section 2254 Cases in United States District Courts.

IT IS THEREFORE ORDERED that, for the reasons stated, this action, No. 13-cv-00684-DRH, which was mistakenly opened, shall be **CLOSED**. Petitioner shall not be assessed a filing fee for this action, 13-cv-00684-DRH.

The Clerk of Court is **DIRECTED** to file a copy of the petition in this action (Doc. 1) as the Amended Petition in *Lyles v. St. Clair County*, No. 13-cv-00493-DRH.

IT IS SO ORDERED.

DATED: August 7, 2013

Digitally signed by
David R. Herndon
Date: 2013.08.07
16:00:47 -05'00'



**Chief Judge
United States District Court**